

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

TRAVELERS CASUALTY AND SURETY COMPANY as
Administrator for RELIANCE INSURANCE COMPANY,

Plaintiff,

VS.

07-CV-6915 (DLC)

**DORMITORY AUTHORITY – STATE OF NEW YORK,
TDX CONSTRUCTION CORP. and KOHN PEDERSEN
FOX ASSOCIATES, P.C.,**

Defendants.

**AFFIDAVIT OF
DENISE GIBSON
IN SUPPORT OF
MOTION FOR
SUMMARY
JUDGMENT**

DORMITORY AUTHORITY OF THE STATE OF NEW YORK
AND TDX CONSTRUCTION CORP.,

Third-Party Plaintiffs,

VS.

TRATAROS CONSTRUCTION, INC.,

Third-Party Defendant.

TRATAROS CONSTRUCTION, INC. and TRAVELERS
CASUALTY AND SURETY COMPANY,

Fourth-Party Plaintiffs

VS.

CAROLINA CASUALTY INSURANCE COMPANY; BARTEC :
INDUSTRIES, INC.; DAYTON SUPERIOR SPECIALTY :
CHEMICAL CORP. a/k/a DAYTON SUPERIOR CORPORATION: :
SPECIALTY CONSTRUCTION BRANDS, INC. t/a TEC; :
KEMPER CASUALTY INSURANCE COMPANY d/b/a KEMPER: :
INSURANCE COMPANY; GREAT AMERICAN INSURANCE :
COMPANY; NATIONAL UNION FIRE INSURANCE :
COMPANY OF PITTSBURGH, PA; UNITED STATES FIRE :

INSURANCE COMPANY; ALLIED WORLD ASSURANCE :
COMPANY (U.S.) INC. f/k/a COMMERCIAL UNDERWRITERS :
INSURANCE COMPANY; ZURICH AMERICAN INSURANCE' :
COMPANY d/b/a ZURICH INSURANCE COMPANY; OHIO :
CASUALTY INSURANCE COMPANY d/b/a OHIO CASUALTY :
GROUP; HARLEYSVILLE MUTUAL INSURANCE COMPANY :
(a/k/a HARLEYSVILLE INSURANCE COMPANY); JOHN DOES :
1-20 and XYZ CORPS. 1-20, :

Fourth-Party Defendants. :

STATE OF ILLINOIS :

SS.

COUNTY OF LAKE :

Denise Gibson, being of full age and duly sworn, hereby deposes and says:

1. I submit this Affidavit in support of the Motion for Summary Judgment filed on behalf of Lumbermens Mutual Casualty Company ("Lumbermens"), improperly sued as Kemper Casualty Insurance Company d/b/a/ Kemper Insurance Company.

2. I am a Senior Claim Analyst with the Kemper Insurance Companies.

3. Lumbermens Mutual Casualty Company is a member of the Kemper Insurance Companies.

4. I am presently responsible for management and monitoring of this claim on behalf of Lumberman's. As such, I am familiar with Lumberman's claim file and the history of the claim by Trataros as an additional insured under Lumbermans' insurance policy no. 4LS00175900 and the claim by Travelers Casualty and Surety Company as Trataros' surety.

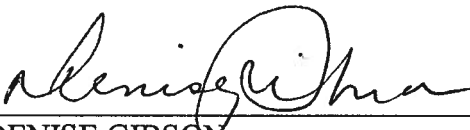
5. Annexed hereto as Exhibit A is a true copy of insurance policy number 4LS00175900, issued by Lumbermens to G.M. Crocetti, Inc., ("Crocetti") for the period March 31, 2000 to March 31, 2002.

6. Endorsement No. 2 of policy 4LS00175900, entitled "Additional Insured,"

identifies additional insureds as all entities who are required by written contract to be named as an additional insured on a primary basis.

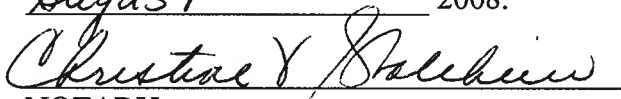
7. Prior to March 2, 2005, Lumbermens was unaware of any claim against any insured relating to any work performed at Baruch College.

8. It was not until after March 2, 2005, the date when Trataros and Travelers effectuated service of the Fourth-Party Summons and Complaint in the Civil Action bearing case number 04 Civ. 5101 upon Lumbermans, through the New York State Insurance Department, that Lumbermens learned of any claim asserted or lawsuit filed against any of its insureds, including Trataros, relating to work performed at Baruch College.

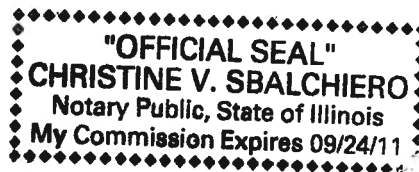


DENISE GIBSON

Subscribed and sworn to me this 5th day of
AUGUST 2008.



NOTARY



My commission expires on 09/24/2011